



Order Filed on April 22, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in compliance with D.N.J. LBR 9004-1(b)

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*Attorneys for NewRez, LLC d/b/a Shellpoint
Mortgage Servicing as servicer for MTGLQ
Investors, L.P.*

In Re:

Nancy Marie Fuess

aka Nancy Taylor Fuess

Debtors.

Case No.: 19-24039-MBK

Chapter: 13

Hearing Date: 04/22/2020 at 9:00am

Judge: Michael B. Kaplan, U.S.B.J.

Recommended Local Form

☐ Followed

☒ Modified

ORDER VACATING AUTOMATIC STAY

The relief set forth on the following pages is hereby **ORDERED**.

DATED: April 22, 2020

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Upon the Motion of NewRez, LLC d/b/a Shellpoint Mortgage Servicing, on behalf of itself and its successors and/or assigns(hereinafter “Secured Creditor” and/or “Movant”), under Bankruptcy Code Section 362(d) for relief from the automatic stay and Bankruptcy Code Section 1301(c) for relief from the co-debtor stay as to certain property as hereinafter set forth and commonly known as 16 Robert Circle, Metuchen, NJ 08840, and for cause shown, it is

ORDERED that the automatic stay and co-debtor stay are hereby vacated to permit the Movant its successors and/or assigns to institute or resume and prosecute to conclusion one or more action(s) in the court(s) of appropriate jurisdiction to pursue the Movant’s rights in the following:

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Metuchen, in the County of Middlesex, State of NJ:

Known and designated as Lot 17 in Block 78-A as set forth on a certain map entitled “Map of Schwalje Trust Section C, Borough of Metuchen, Middlesex County, New Jersey 1958, which map was filed on July 19, 1958 in the Middlesex County Clerk's Office as Map No. 1643, File No. 933.

It is further ORDERED that the Movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to sheriff’s sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff’s sale (or purchaser’s assignee) may take any legal action for enforcement of its right to possession of the property.

It is further ORDERED that the Movant may join the debtors, co-debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

It is further ORDERED that all communications sent by Movant in connection with proceeding against the property including, but not limited to, notices required by state law and communications to offer and provide information with regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, Loss Mitigation Agreement, or other Loan Workout, may be sent directly to Debtors.

The Movant shall serve this Order on the debtor(s), any trustee and any other party who entered an appearance on the motion.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Nancy Marie Fuess
DebtorCase No. 19-24039-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 22, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Apr 24, 2020.

db +Nancy Marie Fuess, 16 Robert Circle, Metuchen, NJ 08840-2230

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 24, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on April 22, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor MTGLQ Investors, L.P. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.comElizabeth K. Holdren on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing as
servicer for MTGLQ Investors, LP eholdren@hillwallack.com,
jhanley@hillwallack.com/hwbknj@hillwallack.comJustin M Gillman on behalf of Debtor Nancy Marie Fuess ecf@gbclawgroup.com,
R47252@notify.bestcase.com,e4eaf5f23@maildrop.clio.com;jgillman@ecf.courtdrive.comKevin Gordon McDonald on behalf of Creditor MTGLQ Investors, L.P. kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6